Employment Relations Act 2004

2004 CHAPTER 24

PART 6

MISCELLANEOUS

55 Provision of money for trade union modernisation

(1) Before section 117 of the 1992 Act (and before the cross-heading immediately preceding that section) insert—

"Union modernisation

116A Provision of money for union modernisation

(1) The Secretary of State may provide money to a trade union to enable or assist it to do any or all of the following—

(a) improve the carrying out of any of its existing functions;

(b) prepare to carry out any new function;

(c) increase the range of services it offers to persons who are or may become members of it;

(d) prepare for an amalgamation or the transfer of any or all of its engagements;

(e) ballot its members (whether as a result of a requirement imposed by this Act or otherwise).

(2) No money shall be provided to a trade union under this section unless at the time when the money is provided the union has a certificate of independence.

(3) Money may be provided in such a way as the Secretary of State thinks fit (whether as grants or otherwise) and on such terms as he thinks fit (whether as to repayment or otherwise).

(4) If money is provided to a trade union under this section, the terms on which it is so provided shall be deemed to include a prohibition ("a political fund prohibition") on any of it being added to the political fund of the union.

(5) If a political fund prohibition is contravened, the Secretary of State—

(a) is entitled to recover from the trade union as a debt due to him an amount equal to the amount of money added to the union's political fund in contravention of the prohibition (whether or not that money continues to form part of the political fund); and

(b) must take such steps as are reasonably practicable to recover that amount.

(6) An amount recoverable under subsection (5) is a liability of the trade union's political fund.

(7) Subsection (5) does not prevent money provided to a trade union under this section from being provided on terms containing further sanctions for a contravention of the political fund prohibition."

(2) In section 118 of that Act (federated trade unions), after subsection (7) add—

"(8) In the application of section 116A to a federated trade union, subsection (2) of that section shall be omitted."